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KHMRG (PayPal, Inc.) 1120 S. Capital of Texas Hwy Building 2, Suite 300 Austin, TX 78746			LEFFALL-ALLEN, NAKIA	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FEDERICO ZAMBELLI HOSMER,
JULIJ VANELLO PREMURU, and PIETRO SARDO

Appeal 2020-002737
Application 13/614,429
Technology Center 3600

Before KALYAN K. DESHPANDE, CHARLES J. BOUDREAU, and
SHARON FENICK, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–5, 7–14, and 16–20, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b)(1).

We REVERSE.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies PayPal, Inc. as the real party in interest. Appeal Br. 4.

CLAIMED SUBJECT MATTER

Appellant's invention relates to "provid[ing] check-in based payment processes, which allow a user to pre-authorize a transaction by registering a check-in at a location." Spec. ¶ 2.

Claims 1, 11, and 17 are independent. Claim 1, reproduced below, is illustrative of the subject matter on appeal (emphasis added):

1. A method comprising:

receiving a first request from a user interface operating on a merchant device to link a first payment account associated with a merchant with a first check-in service account;

receiving a second request from a user interface operating on a mobile user device to link a second payment account associated with a user with a second check-in service account;

linking, on a server, the first payment account associated with the merchant with the first check-in service account, the first check-in service account controlled by the merchant, the linking executed in response to the first request received from the merchant;

linking, on the server, the second payment account associated with the user with the second check-in service account, the second check-in service account controlled by the user, the linking executed in response to the second request received from the user;

receiving, on the server from a check-in service, check-in data, the check-in data including a merchant identifier and user information identifying the user, registering the user with the second check-in service and associating the user with the mobile user device, and a check-in operation generating the check-in data is initiated by the mobile user device entering a physical location associated with the merchant;

generating, on the server in response to the check-in operation, a real-time pre-approval for a transaction between the merchant identified by the merchant identifier and the user, the pre-approval including a one-time-use PIN and a termination event associated with the one-time-use PIN;

sending, from the server to the mobile user device over a network, at least the one-time-use PIN;

receiving, on the server from the user interface operating on the merchant device over the network, a validated transaction, the validated transaction including the one-time-use PIN associated with the pre-approval; and

processing, on the server, a payment from the second payment account to the first payment account based at least in part on the validated transaction.

Appeal Br. 15 (Claims App.).

REJECTIONS

The Examiner rejects claims 11–14 and 17–20 under 35 U.S.C. § 112(b) or pre-AIA 35 U.S.C. § 112, second paragraph, as being indefinite. Final Act. 3–5.

The Examiner rejects claims 1–3, 5–8, 11–13, and 16–19 under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Silverstein² and Flitcroft.³ Final Act. 5–9.

The Examiner rejects claims 4, 14, and 20 under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Silverstein, Flitcroft, and Royyuru.⁴ Final Act. 9.

² Silverstein et al., US 7,496,527 B2 (iss. Feb. 24, 2009).

³ Flitcroft et al., US 2003/0028481 A1 (pub. Feb. 6, 2003).

⁴ Royyuru, US 2011/0153496 A1 (pub. June 23, 2011).

The Examiner rejects claims 9 and 10 under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Silverstein, Flitcroft, and Bishop.⁵ Final Act. 9–10.

OPINION

Rejection Under 35 U.S.C. § 112

The Examiner determines that independent claim 11 is indefinite because the recited “user interface(s) (operating on the merchant and mobile devices) are not part of the system” and “[i]t is unclear whether the claim is directed toward the processor(s) or the user interface operating on each device.” Ans. 4; *see* Final Act. 4. The Examiner determines that independent claim 17 is indefinite under similar reasoning. Ans. 4–5 (“It is unclear whether the claim is directed toward the medium or the user interface operating machine”); Final Act. 4–5.

Appellant argues that “claims 11 and 17 are unambiguously directed to a system and storage medium, respectively” and that “there is no ambiguity that the claims are directed toward a system and storage medium, rather than the user interface(s).” Reply Br. 2–3.

We agree with Appellant. As Appellant points out, claim 11 is directed toward a system that includes “processors” and “a memory,” and the system performs operations including “receiving a first request from a user interface operating on a merchant device” and “receiving a second request from a user interface operating on a mobile user device.” *See* Reply Br. 2–3 (citing Spec. ¶ 31); Appeal Br. 9 (citing Spec. ¶¶ 18, 19, 24, 25, 40, 41, 59; Figs. 1, 4, 6). Although the Examiner finds that the user interfaces

⁵ Bishop et al., US 2007/0052517 A1 (pub. Mar. 8, 2007).

from which the first and second requests are received “are not part of the system” (Ans. 4), we disagree that this renders the claim indefinite; we understand that the claim requires the system to receive the recited first and second requests from user interfaces of a merchant device and a mobile user device, respectively, and not that these user interfaces are part of the claimed system. Similarly, claim 17 is directed toward a “non-transitory machine-readable storage medium” including instructions that cause a machine to perform operations including “receiving a first request from a user interface operating on a merchant device” and “receiving a second request from a user interface operating on a mobile user device.” We find that the metes and bounds of the claims are clear in this regard.

Accordingly, we do not sustain the Examiner’s 35 U.S.C. § 112 rejection of claims 11–14 and 17–20 as indefinite.

Rejections Under 35 U.S.C. § 103

The Examiner relies on Flitcroft for the limitation of “generating . . . in response to the check-in operation, a real-time pre-approval for a transaction,” as recited in independent claim 1 and similarly recited in independent claims 11 and 17. Final Act. 6–7 (citing Flitcroft ¶¶ 86, 87, 103, 187, 202, 207, 235); *see* Ans. 7 (citing Flitcroft ¶¶ 204, 205, 231, 232). According to the Examiner, “[t]he ‘event triggers’ of Flitcroft . . . are in response to a user’s check-in operations.” Final Act. 3 (citing Flitcroft ¶¶ 75, 86).

Appellant argues that Flitcroft does not teach or suggest “generating . . . in response to the check-in operation, a real-time pre-approval for a transaction,” where “the check-in data is initiated by the mobile user device entering a physical location associated with the

merchant,” as claimed. Appeal Br. 10–11; Reply Br. 4–5. Specifically, Appellant argues that Flitcroft “teach[es] at most generating a single merchant or one-time use account for use in a transaction.” Appeal Br. 10; *see* Reply Br. 4–5.

We agree with Appellant. Flitcroft teaches limited use credit card numbers and/or cards that “can be used for a single or limited use transaction, thereby reducing the potential for fraudulent reuse of these numbers and/or cards.” Flitcroft Abstr. For example, validation or activation of a limited use card may be limited to a specific merchant prearranged by the user or determined “at the time of making the purchase, during the authorization process or during the settlement process.” *Id.* ¶ 103; *see id.* ¶¶ 202, 204. The cited portions of Flitcroft, however, are silent on a check-in operation (such as Silverstein’s location-based check-in operation (*see* Final Act. 6)) being the basis for pre-approval of a transaction. Other portions of Flitcroft appear to teach that the determination of whether a transaction is valid occurs at the time a card is used for a transaction, rather than during a pre-approval. Flitcroft ¶¶ 101, 160, 186, 220–221. Accordingly, we find that the Examiner does not identify, and we are unable to discern, where Flitcroft teaches or suggests pre-approving a transaction in response to a check-in operation.

For the foregoing reasons, we do not sustain the Examiner’s § 103 rejections of claims 1–5, 7–14, and 16–20.

CONCLUSION

The Examiner's rejection of claims 11-14 and 17-20 under 35 U.S.C. § 112 is reversed.

The Examiner's rejections of claims 1-5, 7-14, and 16-20 under 35 U.S.C. § 103 are reversed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References/ Basis	Affirmed	Reversed
11-14, 17-20	112	Indefiniteness		11-14, 17-20
1-3, 5-8, 11-13, 16-19	103	Silverstein, Flitcroft		1-3, 5-8, 11-13, 16-19
4, 14, 20	103	Silverstein, Flitcroft, Royyuru		4, 14, 20
9, 10	103	Silverstein, Flitcroft, Bishop		9, 10
Overall Outcome				1-5, 7-14, 16-20

REVERSED